

Appl. No. : **09/878,719**
Filed : **June 11, 2001**

INTERVIEW SUMMARY

Applicants would like to thank Examiner for taking the time to meet and discuss the outstanding Office Action in a personal interview with counsel for Applicants on August 21, 2006. Pending Claim 25 was discussed during the personal interview. As a result of the interview it was agreed that Applicants' attorney will submit support to better clarify the record in regards to Claim 25.

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REMARKS

The foregoing amendments and the following remarks are responsive to the Office Action. Claims 25 and 26 were pending in this application. Claim 25 is amended herein to further clarify a limitation regarding the groove. Accordingly, Claims 25 and 26 are presented for further consideration.

Rejection under 35 U.S.C. § 112

Claims 25 and 26 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Specifically, these claims were rejected on the basis that the application lacks sufficient written disclosure for one of ordinary skill in the art to provide, without undue experimentation or burden, a cutout formed by a groove, whereby the leading edge of the groove extends forward to about midway through the front half of the padding layer or that the groove is approximately one inch wide at a location midway between the front and back ends of the frame of the bicycle saddle. Applicants respectfully request reconsideration of the claims in view of the amendment to Claim 25, the following remarks and the enclosed Declarations.

It is believed that in view of the clarification to Claim 25, the application enables, describes and supports the claimed inventions. However, in order to clarify the record, various aspects of the specification and figures are discussed herein. While they should not be necessary, Applicants also submit herewith signed declarations by those of skill in the art.

The U.S. Court of Appeals for the Federal Circuit has held that application drawings alone can be sufficient to adequately support claimed subject matter. Vas-Cath Inc. v. Mahurkar, 935 F.2d 1555, 1563 (1991). Further, in In re Heinle, the Court of Customs and Patent Appeals distinguished a previous case, In re Olson, 212 F.2d 590 (1954), which had refused to permit reliance on patent drawings of a hydraulic hose coupling containing ball valves to support claim limitations relating to dimensions of the order of a few thousands of an inch. In re Heinle, 145 U.S.P.Q. 131, 136 (1965). The Heinle court, noting the inexact nature of the limitation at issue, reasoned that the claim required “only an approximation” of what was illustrated in the application figures. As is Heinle, the nature of the limitation at issue in Claim 25, namely the

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approximate extent of the groove's leading edge longitudinally through the saddle, is inexact and, thus, the bicycle saddle in Claim 25 is adequately supported solely by the figures.

In this regard, Applicants note that the drawings of the application consistently illustrate the groove extending forward from the rear of the bicycle seat to about longitudinally midway through the front half of the padding layer, in accordance with Claim 25.

However, the groove is not merely shown in the figures. Rather, it is described in the text of the specification both alone and in relationship to the anatomy of a rider. The text of the specification in combination with the figures enables one of skill in the art to understand, make and use the claimed bicycle saddle without undue experimentation. For example, according to Paragraph [0028] of the specification, in one embodiment, the groove "allows for space for the scrotum." In order for the groove to provide space for the scrotum, the groove can extend to a location at least immediately beyond the location of the bicyclist's scrotum relative to the bicycle saddle, when the bicyclist is seated. In the embodiment of the bicycle saddle depicted in Figure 4, which illustrates the groove and saddle relative to the anatomy of a seated bicyclist, the groove extends beyond the scrotum. Further, as discussed, in all the figures of the filed application depicting embodiments of the groove relative to the saddle, namely Figures 1, 3, 4 and 6, the groove extends forward to about longitudinally midway through the front half of the padding layer, beyond where the scrotum of a seated bicyclist would be located.

In addition, according to the Paragraph [0019] of the specification, in one embodiment, the groove is configured to correspond to, and desirably match, the anatomy of the ischial tuberosities of the pelvis in an anatomically correct way to relieve pressure on the pudendal arteries. In the same paragraph, in regards to one embodiment, the specification further recites, "A notch is defined as a V-shaped cut that begins at the rear of the seat and narrows as it extends towards the front of the seat... For example, groove measures approximately 2¼ inches wide at its rear, extends up to 10 inches into the seat." Moreover, in Paragraph [0027], the specification indicates that, in one embodiment, the distance between the ischial tuberosities of an adult varies between approximately 2 inches and 4½ inches.

Thus, the desired relationship between the bicyclist's anatomy, the groove and other portions of the bicycle saddle, when the saddle is being ridden, would have been apparent to one of skill in the art from the specification and the figures in the application, as filed. In order to

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provide an open space to relieve pressure from the pudendal arteries and to provide a channel for the scrotum when the bicyclist is seated, the specification teaches the saddle of Claim 25 with the groove extending forward from the rear of the bicycle seat to about longitudinally midway through the front half of the seat's padding layer, in accordance with Claim 25 and the figures of the application.

According to the MPEP §2125, the description of the article pictured can be relied on, in combination with the drawings, for what they would reasonably teach one of ordinary skill in the art. As discussed, the position of the groove relative to the saddle is adequately supported by points of reference discussed in the specification and illustrated in the figures, such as the ischial tuberosities, the pudendal arteries, the scrotum, etc. Therefore, the filed application contains sufficient information to enable one skilled in the art to make and use the claimed bicycle saddle without undue or unreasonable experimentation.

Consequently, the figures, together with the specification, provide reasonable clarity to one of ordinary skill in the bicycle saddle art to permit such a person to understand, make and use the claimed bicycle saddle comprising a groove that extends forward to about longitudinally midway through the front half of the padding layer. The figures consistently illustrate the extent of the groove relative to the saddle. Moreover, the description of the groove in the specification provides additional support for the claim limitations at issue.

With regard to Claim 26, Paragraph [0018] of the specification indicates that, in one embodiment, the groove in the bicycle seat has a V-shape. In addition, in Paragraph [0019], the groove is described as narrowing as it extends from the rear toward the front of the seat. This general configuration is consistently depicted in the figures of the application. As discussed with respect to Claim 25, the specification also provides that, in one embodiment, the groove measures approximately 2¼ inches wide at its rear and extends up to 10 inches into the seat. Thus, the as-filed application would enable one skilled in the bicycle seat art to understand, make and use a bicycle seat comprising a groove which is approximately one inch wide at a location midway between the front end and the back end of the frame, in accordance with Claim 26.

Finally, while they should not be necessary, Applicants have enclosed the signed Declarations of Eric Edgecumbe and Mike Sinyard as evidence that the subject matter claimed in Claims 25 and 26 is described in the as-filed application in such a way to recognize that

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Applicants had possession of the claimed saddle and to enable one skilled in bicycle saddle art to have understood, made and used the claimed bicycle saddles, without undue experimentation.

CONCLUSION

In view of the foregoing amendment and remarks, Applicants respectfully submit that the claims are in condition for allowance. Applicants respectfully request reconsideration of the claims in light of the amendment to Claim 25, the above remarks and the enclosed Declarations.


Respectfully submitted,

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Dated:

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